

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FT. LAUDERDALE DIVISION

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CHERL SEARS,
Plaintiff,

CASE NO. 00-6017-CIV-DIMITRIOULEAS
MAGISTRATE JUDGE SELTZER

vs.

THE SCHOOL BOARD OF
BROWARD COUNTY,
FLORIDA,
Defendant.

PLAINTIFF'S NOTICE OF FILING

Plaintiff, Cherl Sears, by her undersigned counsel hereby provides this Notice of Filing of the Deposition Transcript of Gracie Diaz.

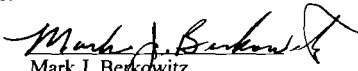
Respectfully submitted,

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By: Mark J. Berkowitz

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent by regular mail on this 15th day of December, 2000, to Gordon Rogers, Esq., Muller, Mintz, et al., 200 S. Biscayne Blvd., Suite 3600, Miami, Florida 33131.


Mark J. Berkowitz



1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF FLORIDA
3 FORT LAUDERDALE DIVISION
4 CASE NO. 00-6017-CIV-DIMITRIOULEAS

5 CHERL SEARS,

6 Plaintiff,

7 vs.

8 THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA,

9 Defendant.

10 - - - - - /

11 Suite 200N
12 Law Office of Mark J. Berkowitz
13 524 South Andrews Avenue
Fort Lauderdale, Florida 33301
Tuesday, November 21, 2000
9:00 - 10:02 a.m.

15 -----
DEPOSITION

16 OF

17 GRACIE DIAZ
18 -----

19
20 APPEARANCES:

21
22 MULLER, MINTZ, ET AL.,
23 GORDON ROGERS, ESQUIRE,
Appearing on behalf of the Plaintiff.

24
25 MARK J. BERKOWITZ, P.A.
MARK J. BERKOWITZ, ESQUIRE,
Appearing on behalf of the Defendant.

COPY

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2 I N D E X

3 - - -

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P R O C E E D I N G S

- - -

Thereupon,

GRACIE DIAZ,

being by the undersigned Notary Public first duly sworn, responded as follows:

THE WITNESS: I do.

DIRECT EXAMINATION

BY MR. BERKOWITZ:

Q. Ma'am, please state your name for us for the record.

A. Gracie Diaz.

Q. And how are you currently employed?

A. I'm employed as director of instructional staffing for the School Board of Broward County.

Q. How long have you held that position?

A. Two years.

Q. Ms. Diaz, my name is Mark Berkowitz. I'm here on behalf of Cheryl Sears, who has filed a claim against Broward County in the Federal District Court. And I'm going to be asking you some questions today regarding the process that eventually resulted in her not being approved for continued employment with the Broward County

1 School Board. If there's any questions that you
2 don't understand, let me know. I'll be happy to
3 repeat them. If you want to take a break at any
4 time, just let me know.

5 What are your duties as the director of
6 instructional staffing for the school board?

7 A. As director of instructional staffing I
8 oversee the recruitment and hiring process of all
9 new instructional staff. I also chair the
10 security clearance committee that reviews security
11 cases for all employees or all applicants and
12 employees to the system. Also, review the
13 security information for a certain group of
14 employees, instructional student teachers,
15 substitutes. I am in charge of leaves, transfers,
16 teacher bonuses, substitutes.

17 Q. How long have you been employed by the
18 school board in total?

19 A. Since February of '87.

20 Q. And what was the position you held
21 immediately prior to being director of
22 instructional staffing?

23 A. Assistant director of instructional
24 staffing.

25 Q. How long did you hold that position?

1 A. Two years.

2 Q. What kind of educational background do
3 you have for that position?

4 A. It only requires a bachelor's degree.
5 I have a bachelor's. And I just need my practicum
6 for my master's.

7 MR. ROGERS: Why don't you spell
8 that.

9 THE WITNESS: P-r-a-c-t-i-c-u-m.

10 MR. ROGERS: Whenever you're saying
11 names, it would help her if you could spell
12 them so you don't have to do it at the
13 end. Also, remember that you have to
14 answer audibly. If you nod your head or
15 say uh-huh, she'll kick you.

16 BY MR. BERKOWITZ:

17 Q. Where did you get your undergraduate
18 degree?

19 A. Florida State.

20 Q. And a major in what?

21 A. In elementary education. I started in
22 the system as a teacher.

23 Q. Specifically, what is your role in the
24 security clearance committee?

25 A. I chair the committee. And I take any

1 cases that the committee should review in regards
2 to instructional employees, the substitutes, all
3 of the cases that I review. There's a
4 noninstructional director who brings all the
5 noninstructional cases to the committee. And,
6 basically, what we do is we share the information
7 that the applicant has provided based on the
8 offense, so the individual statement of the
9 offense, police reports, dispositions.

10 Q. Did you review any records or documents
11 in preparation for your deposition today?

12 A. Yes.

13 Q. Do you recall what, specifically, you
14 reviewed?

15 A. I reviewed all of the security
16 information that Ms. Sears provided, her statement
17 and police report disposition. I reviewed our
18 security clearance procedures that you have in
19 front of you. I reviewed her update application
20 that she sent in to apply to be considered as a
21 teacher applicant. And I went through the copies
22 that you have -- what was presented to you, the
23 copies of all the documents for file.

24 Q. How does the security clearance
25 committee make its decision with regard to a

1 specific applicant before -- how does that work?

2 A. Each security member is given the name
3 of the individual, the position that they are
4 applying for, and then the offense, what was found
5 in either the Docketrac system, the local Broward
6 County system or what the individual admitted, and
7 the date of the offense, the disposition of the
8 offense. And then, either the noninstructional
9 director or I will share the individual's
10 statement, read the court disposition and the
11 police report to the individuals of the
12 committee. And we discuss all of the information
13 that was shared. And each person then votes
14 whether to approve the individual for employment
15 or deny.

16 Q. Who are the members of the security
17 committee?

18 MR. ROGERS: Objection. Point in
19 time.

20 BY MR. BERKOWITZ:

21 Q. Well, at the time that Ms. Sears was
22 denied employment, October of 1998.

23 A. The names were provided, to tell you
24 offhand because the committee has changed a few
25 times; but they were provided in a document, in a

1 memo, that lists all of the individuals that were
2 on the committee at that time.

3 Q. And their decision is made by a
4 majority vote?

5 A. Yes.

6 Q. Does members of the security committee,
7 are there any guidelines that they use in making
8 their determinations on specific cases?

9 A. At the time that Ms. Sears' case was
10 reviewed, we did not have written guidelines. The
11 committee used guidelines basically by practice,
12 past practice and comparing similar cases. But as
13 far as written guidelines, no, at that time there
14 were not written guidelines.

15 Q. Do you know what the practical
16 guidelines were at that point in time?

17 A. They really do vary from case to case.
18 We certainly -- there's some general practices,
19 for example, if a felony was committed within the
20 last ten years, we would review the case. And we
21 would look at the adjudication and look at all of
22 the mitigating factors in the case, review them on
23 an individual basis; yet, if we found that there
24 was reason to believe that the event occurred,
25 that person may not be employable. Certainly a

1 sex offense, a drug offense, those cases --
2 everything is reviewed on a case-by-case basis.
3 But if there's reason to believe that there was
4 probable cause or that there was information that
5 substantiated that this occurred, that person may
6 be deemed nonemployable. But we did review them
7 case by case.

8 Q. When did the board of the security
9 committee adopt formal written guidelines?

10 A. We formalized the guidelines, I believe
11 it was in December of 1999 based on a request from
12 our school board for BSO to come in and review our
13 security clearance process, the professional
14 standards committee process that reviews current
15 employee investigations. And as a result of the
16 review, BSO had given us samples of other
17 district's written guidelines. And we
18 incorporated those other district guidelines,
19 specifically Pinellas's, and created the ones that
20 you are looking at.

21 MR. BERKOWITZ: Let me show you what
22 I would like to mark has Plaintiff's
23 Exhibit 1.

24 (Plaintiff's Exhibit 1 was marked for
25 identification.)

1 BY MR. BERKOWITZ:

2 Q. I'm showing you what we've marked as
3 Plaintiff's Exhibit 1. Are these the written
4 guidelines that you referred to earlier?

5 A. Yes.

6 Q. Who at BSO assisted in the development
7 of these guidelines; do you know?

8 A. I can't recall their names right now.
9 There were three investigators that we worked
10 with.

11 Q. Now, would it be fair to say that these
12 written guidelines codified or memorialized the
13 prior guidelines that you had before they became
14 written down?

15 A. Yes.

16 Q. If you look at Roman numeral number 4
17 where it says, Case By Case Review, where it says
18 DUI, is that an arrest or just a conviction, or
19 could it be both?

20 A. It is -- if on the top it tells you
21 regardless of the adjudication, whether it was
22 guilty, no contest plea, the person entered in a
23 pretrial intervention, an adjudication withheld,
24 that's what it's referring to. If it's a case
25 where someone is found not guilty, it's completely

1 dismissed without the individual going through
2 pretrial intervention or working out some kind of
3 agreement with the courts, then that -- those
4 cases are all -- those are the factors that we use
5 in order to determine whether it's...

6 Q. Okay. Now, in October of 1998 was
7 there a policy by the security committee whereby
8 applicants for instruction in the instructional
9 staffing department would be denied employment
10 based upon a felony drug arrest?

11 MR. ROGERS: Objection to form as to
12 the policy as a term of art. You can go
13 ahead and answer the question.

14 THE WITNESS: Was there a policy?
15 No. It would be reviewed by the security
16 committee. It wouldn't be automatic denial
17 of the employment. The case would be
18 reviewed. A drug offense can be many
19 different types of drugs or incidents.

20 BY MR. BERKOWITZ:

21 Q. Well, look at number 2 where it says --
22 on Plaintiff's Exhibit Number 1, Felony Drug Use.
23 Do you see that?

24 A. Yes.

25 Q. And according to the written policy,

1 that's automatically will not hire; is that
2 correct?

3 A. Yes. But that was put in place as of
4 December 1999. Prior to that, the cases were
5 taken -- every case was taken to security
6 clearance committee and reviewed on a case-by-case
7 review.

8 Q. Now, specifically with respect to
9 Ms. Sears in October of '98 --

10 A. Yes.

11 Q. -- what was the process whereby she was
12 denied continued employment with the school board?

13 A. She applied to be considered as a
14 full-time applicant. She completed the security
15 clearance form where she indicated that she had
16 been arrested and entered into pretrial
17 intervention program. Then the charges were
18 dismissed. She provided the required police
19 report, disposition of the case. All of that was
20 shared with the security committee. And the
21 security committee, after reviewing all of the
22 documents, felt as though, based on her statement
23 which referred to a male friend, that she was in
24 the vehicle with a male friend, that she had lent
25 this friend her car, it did not coincide with the

1 police report that said this was more than a male
2 friend. This is someone she was living with. And
3 that she --

4 In reviewing all of this information,
5 the committee felt that she may have not been
6 quite as forthcoming in her statement, that she
7 should have been a little bit more specific as to
8 what had occurred, and that it was a drug
9 offense.

10 Q. So you're saying that the committee was
11 concerned about an inconsistency regarding
12 Ms. Sears said the individual was a male friend
13 and the police report said that she was living
14 with the person?

15 A. That was part of it, that the committee
16 was concerned she was not giving us the full
17 picture. And also, she did not indicate the
18 amount of drugs in her statement that was found in
19 the vehicle.

20 Q. Were there any other alleged
21 inconsistencies in the statements that the
22 committee examined or evaluated?

23 A. Could I see the statement?

24 Q. Sure. Is this the same document?

25 A. Yes, it is.

1 MR. BERKOWITZ: Let's mark this then
2 as Plaintiff's Exhibit 2.

3 (Plaintiff's Exhibit 2 was marked for
4 identification.)

5 BY MR. BERKOWITZ:

6 Q. Looking at Plaintiff's Exhibit 2, which
7 is a statement signed by Ms. Sears on
8 September 16th of '98 --

9 A. Yes.

10 Q. -- what were the specific
11 representations that she made in her statement to
12 the board that caused the committee some concern?

13 A. Specifically, she made it sound -- by
14 referring to this gentleman as a male friend of
15 mine, made it sound like it was a much more
16 informal type of relationship with the individual,
17 almost as though, I just lent my car to someone;
18 it's a casual friend; I had no idea what happened
19 to the car, that these drugs were in the car.

20 The police report stated that this
21 person was a live-in boyfriend. And we later also
22 noticed that she had the same name of the
23 individual that was identified in the police
24 report.

25 Additionally, she -- I just lost my

1 train of thought. I'm sorry. Can I see the
2 police report?

3 Q. Sure. Got it?

4 MR. ROGERS: I've got one.

5 MR. BERKOWITZ: Okay. Why don't we
6 mark this so the record is clear.

7 (Plaintiff's Exhibit 3 was marked for
8 identification.)

9 BY MR. BERKOWITZ:

10 Q. Marking the police report as
11 Plaintiffs' Exhibit 3.

12 A. The other concern I remember now when I
13 look at the police report is -- the other concern
14 is the money found in her purse and that the
15 police officer indicated that the narcotic dog
16 found the money in the purse that obviously had a
17 trace of or a scent of drugs.

18 Q. So have we covered all the alleged
19 inconsistencies that this committee was concerned
20 about?

21 A. Yes.

22 Q. Now, is that the first step in the
23 process where they reviewed -- the committee
24 reviews these documents?

25 A. Yes.

1 Q. And then are there subsequent steps in
2 the process?

3 A. The individual -- after the committee
4 makes the decision, the individual has a right to
5 appeal the decision that the committee makes.

6 Q. And how did Ms. Sears or did Ms. Sears
7 appeal that?

8 A. She did. She sent a letter to the
9 associate superintendent of district
10 administration, Mr. Blitman.

11 MR. ROGERS: Spell that.

12 THE WITNESS: B-l-i-t-m-a-n.

13 MR. BERKOWITZ: Let me show you what
14 I'd like to mark as Plaintiff's Exhibit 4.

15 (Plaintiff's Exhibit 4 was marked for
16 identification.)

17 BY MR. BERKOWITZ:

18 Q. Is that the appeal that you just
19 referred to?

20 A. Yes, it is.

21 Q. Now, does Mr. Blitman rule on the
22 appeals himself back in October of '98, or does he
23 consult with the committee, or how does that work?

24 A. He consulted with the committee. The
25 process was that he would take -- we would bring

1 the appeals back to the committee. We would
2 review the documents again. There would be
3 discussion on the merits of the case. And
4 Mr. Blitman would listen to each person on the
5 committee, their opinion, if they thought that we
6 should support the appeal or deny the appeal. And
7 then, ultimately, he would make the final
8 decision.

9 On occasion he may decide to support
10 how the committee members feel if he feels that
11 the person was unable to provide any additional
12 information that clarified the situation or that
13 showed that we misinterpreted something that she
14 had provided previous to that point. But in this
15 case he supported the decision of the committee
16 and supported -- and denied her, rather.

17 Q. Are there any minutes taken of these
18 security committee meetings?

19 A. No.

20 Q. So there's no record of them?

21 A. No.

22 Q. Was Ms. Sears given the opportunity to
23 personally address the members of the security
24 committee?

25 A. No. That is not in the procedures for

1 the appeal. The individual has to provide a
2 letter and any supporting documents that he or she
3 would like to provide.

4 Q. What about in the initial case review?
5 Was there a procedure whereby Ms. Sears could have
6 addressed the security committee?

7 A. No.

8 MR. BERKOWITZ: Let me show you what
9 I would like to mark as Plaintiff's Exhibit
10 Number 5.

11 (Plaintiff's Exhibit 5 was marked for
12 identification.)

13 BY MR. BERKOWITZ:

14 Q. Can you identify that document for us?

15 A. Yes. This is a standard letter if an
16 individual -- at that time. We've changed it
17 since. But the standard letter that indicates to
18 the individual that their appeal has been denied.

19 Q. Is there any further process that's
20 allowed after this appeal is denied in terms of
21 internal school board procedures?

22 A. Any individual has the right to appeal
23 to the superintendent, to the school board. So
24 she certainly could have done that if she had
25 chosen to.

1 Q. Do you know if that happened in this
2 case?

3 A. I do not know that -- I do not think
4 that she did that, no. I was never asked about it
5 beyond this or saw any other documents that she
6 did appeal higher.

7 Q. Now, you were aware of the fact when
8 you initially considered Ms. Sears' case at the
9 security committee that she pleaded nolo contendere
10 to a drug offense; is that correct?

11 A. Yes.

12 Q. And you were aware of the fact that she
13 entered a pretrial intervention program; is that
14 correct?

15 A. Yes.

16 Q. And you were aware of the fact that she
17 successfully completed the pretrial intervention
18 program; is that correct?

19 A. Yes.

20 Q. And how do those factors enter into the
21 committee's decision to recommend that she not be
22 employed?

23 A. We used several -- and Florida Statute
24 I believe it's 435.04 indicates offenses, Criminal
25 offenses regardless of adjudication, these

1 offenses would be prohibitors in districts or in
2 employers hiring individuals with these offenses.
3 And it includes if someone has pled nolo
4 contendre. We use that as one factor.

5 Additionally, we use some of the
6 standards that have been -- and they haven't given
7 it to us in writing, but in conversations with
8 professional practices in Tallahassee that reviews
9 security cases for all new teacher applicants to
10 determine whether an individual would qualify for
11 a teaching certificate, they also take into
12 account nolo pleas, pretrial interventions; and
13 even if the case is dismissed, they review all of
14 that information as well and may deem someone
15 ineligible for a teaching certificate based on
16 it.

17 And certainly, because we look at that,
18 it was a drug offense and a felony offense, and
19 the severity of that offense and the concern of
20 safety of children, we -- and after looking at all
21 of her documents, we felt that there was reason to
22 believe that she wasn't completely, again,
23 completely -- giving us a complete picture, being
24 100-percent truthful in her statement. And
25 because of the severity of the offense, the

1 committee deemed that she would not be employable
2 as a substitute or any type of employee in the
3 system.

4 Q. Well, are you saying that according to
5 State of Florida teaching certificate provisions
6 that if one is arrested, has a felony arrest, that
7 person cannot get a teaching certificate?

8 A. Not in every case, no. But they
9 review, they review all of that information. They
10 may deem that an individual with a felony offense
11 would not be eligible for a teaching certificate.
12 They have in the past. They have for misdemeanor
13 drug offenses in the past denied people
14 eligibility for a teaching certificate. They
15 review it also on a case-by-case basis.

16 Q. Do you know what authority you're
17 assigning for that review on a case-by-case basis?

18 A. Yes. Jerry Whitmore of professional --
19 oh, the law? Are you saying the law?

20 Q. Yes. Who is this Jerry Whitmore?

21 A. Jerry Whitmore works for Professional
22 Practices in Tallahassee. He's an administrator
23 that oversees professional practices.

24 Q. Now, if Ms. Sears had indicated to the
25 security committee initially that this male was

1 not just a friend but it was a live-in boyfriend
2 and if she had indicated that she had a fifty
3 dollars in ones in her purse, what kind of
4 difference would that have made in the committee's
5 determination, if any?

6 A. I would be speculating in trying to
7 speak for the entire committee. I hate to say --
8 I'd hate to say how they would have ruled or if
9 they would have ruled any differently. In my
10 opinion -- I would not have ruled differently
11 because of the nature of the offense. And still,
12 that doesn't really change the substance of her
13 statement and what occurred.

14 Q. Now, if the record of the felony drug
15 arrest had been expunged or stricken from the
16 records, would that have made any difference in
17 the security committee's determination?

18 A. No. We still review those records when
19 we receive information from FDLE, FBI, that a
20 record is sealed or expunged. We still have
21 access to those records and ask the individual to
22 disclose that information to us. And I believe in
23 our statement on the security form pursuant to
24 Florida Statute 943.058 that we have access to all
25 sealed and expunged records as well as juvenile

1 offenses.

2 Q. You're referring to Plaintiff's Exhibit
3 Number 2?

4 A. Yes.

5 MR. BERKOWITZ: Let me show you what
6 I'd like to mark as Plaintiff's Exhibit 6.
7 (Plaintiff's Exhibit 6 was marked for
8 identification.)

9 BY MR. BERKOWITZ:

10 Q. Can you identify Plaintiff's Exhibit
11 Number 6 for us?

12 A. This is the security clearance
13 procedure that we use for the security clearance
14 process of all employees. And it is from our
15 personnel division handbook.

16 Q. When was this particular procedure in
17 effect; do you know?

18 A. It was -- if you look on the second
19 page, it was first prepared July 1st, '96; revised
20 November 20th, '98. And this was the final one we
21 have reviewed. And I believe there's been changes
22 since. But this is the one that we changed when
23 we reviewed all of our security procedures and
24 established the written hiring guidelines that we
25 discussed earlier.

1 Q. So Plaintiff's Exhibit Number 6 was not
2 in effect in October of 1996; is that correct?

3 A. It was. Not this version, but it was
4 in effect. It's been in effect since July of '96.

5 Q. Well, how does this version,
6 Plaintiff's Exhibit 6, differ from what was in
7 effect in October of '96, if you know?

8 A. I do not know.

9 Q. Now, if you look at section C-1 of
10 Plaintiff's Exhibit Number 6 where it indicates:

11 "If an individual provides documentation
12 of a criminal incident, regardless of
13 whether adjudication was withheld, such
14 individual shall not be employed."

15 Was that guideline in effect in
16 October of 1998?

17 A. No, because it's underlined, that was
18 new verbiage that was added based on the review,
19 the BSO review.

20 Q. So is it fair to say that in October of
21 '98 everything that was not underlined in
22 Plaintiff's Exhibit 6 was in effect in October of
23 1996?

24 A. Could you restate that, please?

25 Q. Is it fair to say that all of the

1 language that is not underlined was in effect at
2 the time of Ms. Sears' application in October of
3 1996?

4 A. October of 1998?

5 Q. '98. I'm sorry.

6 A. Okay.

7 MR. ROGERS: Objection to form.

8 Calls for speculation.

9 MR. BERKOWITZ: If you know.

10 MR. ROGERS: If you know. Go ahead
11 and answer.

12 THE WITNESS: No. I can't say with
13 certainty, no.

14 BY MR. BERKOWITZ:

15 Q. Who would know that at the school
16 board? Do you know?

17 MR. ROGERS: For the record, the
18 document should exist.

19 BY MR. BERKOWITZ:

20 Q. Well, do you know who would know that
21 at the school board?

22 A. I'm looking at the dates to see because
23 we did keep track of when it was revised.
24 October 1998.

25 Q. Well, the document lists you as a

1 contact person; is that correct?

2 A. Right. I just want to make sure that,
3 because I'm looking at the changes -- we made
4 changes in November 20th, '98. So I'm not sure --
5 I believe in October of '98 the section --
6 everything was here other than the sections that
7 are underlined. And now looking at the section on
8 the second page that is stricken through, and that
9 was really the only change was in November the
10 change was that we changed the title of the person
11 that they would appeal to, the individual would
12 appeal to. So other than that, then this would
13 have been the document in October of '98. So all
14 the parts stricken through and underlined were not
15 there.

16 Q. You mentioned that there was also a
17 security procedure for noninstructional staff; is
18 that correct?

19 A. Yes.

20 Q. And are you involved in the
21 noninstructional staff review?

22 A. The noninstructional staffing director
23 reviews those and then brings them to the
24 committee where the same committee that reviews
25 instructional reviews and noninstructional cases.

1 Q. In October of '98 were the guidelines
2 for noninstructional staff for the security
3 committee any different than for the instructional
4 staff?

5 A. No.

6 Q. They were the same?

7 A. The same.

8 Q. And by noninstructional staff, what
9 kind of staff are we talking about?

10 A. Teacher aides, assistants, clerical,
11 food service, bus drivers.

12 Q. Any other kinds of employees?

13 A. Yes. Custodians. I'm sure I'm
14 omitting some, but general group.

15 Q. So the custodian position in October of
16 '98 would be subject to the same guidelines, if
17 you will, noted in Plaintiff's Exhibit Number 6?

18 A. Yes.

19 Q. What is the difference between a
20 substitute, a pool substitute and an interim
21 substitute?

22 A. A substitute is a daily substitute that
23 may be at a school just for one day two days a
24 week.

25 A pool sub is a position that is

1 allocated to a school. That substitute reports to
2 that school every day and substitutes every day at
3 that school. That person does not have to work at
4 different schools.

5 The interim sub position is a
6 substitute that's filling in for an individual
7 that is out for 20 days or more. Could be due to
8 a leave of absence, disability leave. And also,
9 March 1st of every year we stop hiring full-time
10 teachers. And any new positions, teacher
11 positions from March 1st on, would have to be
12 filled by an interim sub. And an interim
13 substitute must have a bachelor's degree in order
14 to qualify.

15 Q. Now, Ms. Sears was denied employment
16 both as a permanent hire and as a substitute, is
17 that correct, in October of '98?

18 A. Yes.

19 Q. So the security committee's concerns
20 were the same for a substitute teacher or for
21 full-time instructional staff; is that correct?

22 A. Yes.

23 Q. Do you know what the procedures were?
24 After Mr. Blitman denied the appeal, what would
25 have been the procedure after that specifically;

1 do you know?

2 A. It would be up to Ms. Sears, if she
3 would choose to write a letter or to appeal to the
4 superintendent or to the school board. She could
5 also apply back to the school board a year after
6 the initial review of her security clearance and
7 ask that the security committee review the
8 documents again and provide any additional
9 information or work experience information that
10 she's had within that year.

11 Q. Do you know what procedures are
12 specifically used or guidelines are specifically
13 used in the appeal process to the superintendent,
14 how he would evaluate an application after
15 Mr. Blitman denies the appeal?

16 A. We have various -- we've had various
17 superintendents. And they handle them
18 differently. But generally, they individually
19 calls them or writes them a letter. And the
20 superintendent will review all the same
21 documents. And the ones that I've been involved
22 with, he normally would ask the associate
23 superintendent over human resources, myself and
24 the director of noninstructional, since we both
25 basically chair the committee. And he would ask

1 to go over all of the -- all the conversation, the
2 issues that were discussed, look at her paperwork,
3 look at her file and her references and
4 qualifications. And sometimes they would -- the
5 superintendent would make a decision based on
6 that. Other times the superintendent may still,
7 in addition, want to call the person in or discuss
8 the case with the individual.

9 Q. What about if an appeal was further
10 made to the school board, what would be the
11 process then?

12 A. The person would ask to speak before
13 the school board going through the
14 superintendent's liaison and schedule a time at a
15 board meeting to bring up his or her issue. And
16 then at that point, the school board may or may
17 not decide to ask the superintendent to review the
18 matter again or look into the matter further.

19 Q. Now, these procedures that you're
20 describing as of October of '98, after
21 Mr. Blitman's level, were they written down any
22 place or is this just a practice?

23 A. It's a practice.

24 Q. At any point did they become written
25 down?

1 A. No.

2 Q. Now, you mentioned that Ms. Sears could
3 have reapplied after a year; is that correct?

4 A. Yes.

5 Q. If she had reapplied in, let's say
6 December of 1999, would she have been
7 automatically excluded from further employment?

8 A. No. Her case -- she would go through
9 the same process and her case would be reviewed
10 again. And any additional information would be
11 shared with the committee because remember,
12 sometimes the committee changes from year to
13 year. So it would be as though she started again
14 as new. All the documents would be reviewed and
15 discussed.

16 Q. Okay. Maybe I misunderstood you,
17 then. It was my understanding that -- I mean,
18 according to Plaintiff's Exhibit 6, as of December
19 of '99, the rules of the game changed in that
20 there were automatic exclusions; is that correct
21 or not?

22 A. An individual still can apply each
23 year. And if they provide -- this does not mean
24 automatic. If a person can still provide
25 information, documents that might change the

1 decision of the committee or through the appeal
2 process change the decision of our associate
3 superintendent, then they may be approved.
4 Initially, if they meet --

5 If it is, let's say, a felony drug
6 offense and it's a no contest plea or a guilty
7 plea or adjudication withheld, initially that
8 person may be denied; but the person has a right
9 to appeal and provide any additional information
10 that may change the decision of our committee or
11 the associate superintendent. And these
12 individuals can apply each year to have their case
13 reviewed and can provide any additional
14 information that might change the committee's
15 decision.

16 Q. So you're saying that even under the
17 new procedure, there was no hard and fast rule
18 that someone with a felony arrest would not be
19 automatically excluded?

20 A. Right. There's still an option for
21 someone to appeal and provide additional
22 information to help change the committee's
23 decision.

24 Q. Post December 1999 were there any
25 formal written guidelines as to what either the

1 superintendent or the school board can review in
2 terms of the application at that point?

3 A. I don't understand your question.

4 Q. Well, December of 1999, let's suppose
5 that an applicant wants to go beyond the
6 Hal Blitman appeal. Are there formal guidelines
7 at that point in terms of what the superintendent
8 would look at?

9 A. No.

10 Q. Would the superintendent automatically
11 exclude somebody for a felony arrest at that
12 point?

13 A. No. He would review all of the
14 documents.

15 Q. And you don't see a conflict there in
16 what your testimony is with C-1 on Plaintiff's
17 Exhibit 6?

18 A. No, because on initial review an
19 individual may be denied based on these offenses.
20 And these guidelines --

21 MR. ROGERS: Which document are you
22 referring to?

23 THE WITNESS: The personnel hiring
24 guidelines.

25 MR. ROGERS: What's the number on

1 it?

2 MR. BERKOWITZ: What was this? 1?

3 MR. ROGERS: 1, I believe.

4 MR. BERKOWITZ: I think it was 1.

5 THE WITNESS: On initial review this
6 person may be denied. And it was put in
7 place so we would handle these cases
8 consistently. Then, this person does have
9 the right to appeal and have further
10 discussion and provide a letter and any
11 further documentation, as I stated, that
12 would possibly change the decision by the
13 committee and/or by the associate
14 superintendent and certainly could, again,
15 appeal to the superintendent or the school
16 board. So it's not -- initially, it might
17 be a denial based on what's on the
18 guidelines. But that person does have a
19 right to provide additional information.

20 BY MR. BERKOWITZ:

21 Q. So you're saying initially, before the
22 security committee, it may or may not be a rule of
23 exclusion; is that correct?

24 A. Right.

25 Q. But regardless of whether or not it's a

1 rule of exclusion, initially, the person can still
2 appeal that; is that correct?

3 A. Yes.

4 Q. But we're uncertain as to what
5 standards or procedures would apply in that
6 subsequent appeal process; is that correct?

7 A. Beyond the associate superintendent.

8 Q. Right.

9 A. Because it would be up to the
10 superintendent what information he would want to
11 review.

12 Q. So at that level it's kind of a
13 case-by-case or an all-circumstances review?

14 A. Well, it's a case by case when they
15 appeal as well by the associate superintendent.

16 Q. Have there been any cases where someone
17 with a felony drug arrest, since 1998, has been
18 employed by the school board?

19 A. Since 1998, I could not give you that
20 answer.

21 Q. You don't know?

22 A. No.

23 Q. Can you recall anyone coming before
24 your committee being approved if they had a felony
25 drug arrest?

1 A. Yes.

2 Q. But you don't know the name of the
3 person?

4 A. Offhand, no. But we have been --
5 because certainly the passage of time, when that
6 offense occurred, plays into a big part of it.
7 And what the person has done since that time and
8 if the person has had a clean record since that
9 time, all of those factors are considered.

10 Q. Well, are there any specific standards
11 regarding passage of time? If it's a drug arrest
12 that's less than ten years old, the procedure says
13 the person will not be hired; is that correct?

14 A. A felony drug offense less than ten
15 years, yes. On initial review that individual may
16 be denied if they had a guilty plea, adjudication
17 withheld, no contest or pretrial intervention.
18 But again, that individual could apply for the
19 appeal and ask the associate superintendent to
20 review any information this person may have
21 taught -- this might have happened eight years
22 ago; and since, the person has gone through drug
23 rehabilitation, has taught in another state
24 successfully, was able to get a teaching
25 certificate, has wonderful references. All of

1 that would be taken into consideration.

2 Q. What specific written instructions are
3 provided to an applicant regarding the appeal
4 procedure? Let's say in October of '98. Were
5 there any written instructions provided?

6 A. No. In Ms. Sears' case, she contacted
7 our office and she was told to appeal to
8 Mr. Blitman by sending a letter. But there is
9 nothing in writing that we hand them and say,
10 Okay, this is what you need do as far as this is
11 all of the information that you can supply. We
12 ask that the individual provide any information
13 that would strengthen their case.

14 Q. Did you inform Ms. Sears that she was
15 to provide any additional information that was to
16 strengthen her case in October of '98?

17 A. I did not speak to her personally. And
18 I am unsure of who she spoke to or what that
19 individual told her.

20 Q. But there was nothing in writing at
21 that time as to what an applicant could provide in
22 an appeal procedure; is that correct?

23 A. No. Yes, it is correct. There is
24 nothing.

25 MR. BERKOWITZ: Let me show you what

1 I'd like to mark as Plaintiff's Exhibit 7.

2 (Plaintiff's Exhibit 7 was marked for
3 identification.)

4 BY MR. BERKOWITZ:

5 Q. Let me ask you this question before we
6 go to this document. Did Ms. Sears have the
7 proper credentials to continue to teach in
8 October of '98?

9 MR. ROGERS: Objection to form.
10 Teach as what?

11 MR. BERKOWITZ: Well, teach as a
12 permanent teacher in social science.

13 THE WITNESS: Well, when you say
14 continue, she never was hired as a
15 teacher. She would not and did not at the
16 time have the credentials to qualify for a
17 teaching certificate that would enable her
18 to be hired as a full-time teacher.

19 BY MR. BERKOWITZ:

20 Q. What authority do you have that
21 supports that conclusion?

22 A. This document. If you take a look at
23 the second paragraph, the statement of eligibility
24 from the Department of Education.

25 MR. ROGERS: This is Plaintiff's 7?

1 MR. BERKOWITZ: Yes.

2 THE WITNESS: Second sentence, Based
3 upon current requirements, you will be
4 eligible for a two-year nonrenewable
5 temporary certificate valid for two
6 consecutive school fiscal years covering
7 middle grades social science when you
8 complete the following subject area
9 requirements: The three hours in history
10 and three hours in geography.

11 In order for a teacher to be eligible
12 to teach in the State of Florida, a teacher
13 has to be eligible for a temporary
14 certificate. She was -- Ms. Sears was
15 still lacking six hours in order to be
16 eligible for a teaching certificate.

17 From all of the paperwork that we
18 had, she did not provide any transcripts or
19 course work that showed that she had
20 completed these six hours; therefore, she
21 would not qualify for a temporary
22 certificate and could not be recommended
23 for a full-time teaching certificate. Her
24 degree in criminal justice does not qualify
25 her for a teaching certificate.

1 BY MR. BERKOWITZ:

2 Q. Well, how was it that she qualified for
3 a substitute teaching position?

4 A. You can be a substitute teacher with 60
5 semester hours of college credit.

6 Q. Did she have any particular period of
7 time in which to complete the six hours of
8 additional study?

9 A. In order to qualify for a temporary
10 certificate, no. You cannot hold the temporary
11 certificate and take these hours. They will not
12 issue the temporary certificate until she met
13 those requirements.

14 What this document does is it showed
15 that Cheryl applied to have her transcripts
16 evaluated for middle grade social science. The
17 validity of this document is for two years. In
18 essence, it says, Cheryl, we will state that you
19 can -- if we increase the requirement for middle
20 grade social studies, let's say we go from 18
21 hours to now requiring 24 hours to middle grade
22 science, you fall under the old rules. We're
23 protecting you for the two years, the validity of
24 this statement. And you only need six hours to
25 qualify for a temporary certificate. But in order

1 for that certificate to be issued, she had to
2 complete the six hours because you cannot teach
3 without qualifying at least for the temporary
4 certificate.

5 Q. So it's your position that in October
6 of '98 she did not have the appropriate
7 requirements completed for the issuance of a
8 permanent certificate?

9 A. Yes.

10 Q. Were there any documents that she was
11 given in October of '98 that indicated that?

12 A. She was sent a letter asking her to
13 provide the statement of eligibility so that we
14 could make a determination whether she was
15 eligible or not. And, obviously, she applied.
16 And it's showing that she, indeed, was not
17 eligible yet because she still lacked six hours.

18 MR. BERKOWITZ: I don't have any
19 other questions, then. Thank you.

20

21 (The witness was excused.)

22

23 (At 10:02 a.m. the deposition was concluded.)

24

25

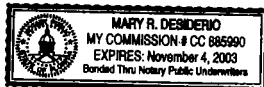
1 STATE OF FLORIDA
2 COUNTY OF PALM BEACH
3
4
5

6 I, Mary R. Desiderio, the undersigned
7 Notary Public, in and for the State of Florida,
8 hereby certify that GRACIE DIAZ personally
9 appeared before me and was duly sworn.
10
11
12

13 WITNESS my hand and official seal this
14 6th day of December, 2000.
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24
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Mary R. Desiderio



C E R T I F I C A T E

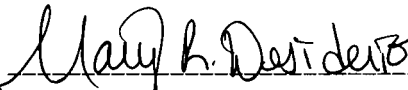
STATE OF FLORIDA

COUNTY OF PALM BEACH

I, Mary R. Desiderio, Registered Professional Reporter, do hereby certify that I was authorized to and did stenographically report the foregoing deposition; and that the transcript is a true and correct transcription of the testimony given by the witness.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

Dated this 6th day of December, 2000.



Mary R. Desiderio,

Registered Professional Reporter

School Board of Broward County, Florida

Personnel Hiring Guidelines

Criminal Records Including Guilty Pleas (Regardless of Adjudication),
No Contest Pleas, Pre-trial Intervention/Diversion

This is not intended to be a complete list of all disqualifying criminal offenses.

I. Will Not Hire

- Extreme Violence (Aggravated Assault/Aggravated Battery, Murder, Attempted Murder)
- Sexual Offense (Lewd & Lascivious-Sexual Battery, Rape, Sex With A Minor)
- Kidnapping
- False Imprisonment
- Child Abuse
- Arson
- Pornography
- Extortion
- Manslaughter (Including Vehicular Homicide/Involuntary)
- Indecent Exposure If Sexual In Nature
- Currently on probation or has a case pending

II. Will Not Hire - If Offense Less Than 10 Years Old. Will Consider And Carefully Review If Older Than 10 years.

- Felony Drug Use
- Grand Theft / Robbery
- Burglary
- Felony Battery/Assault
- Felony Possession of a Concealed Weapon
- Welfare/Unemployment Fraud
- Forgery
- Prostitution or Solicitation of Prostitution
- Grand Larceny
- Other Felonies Not Mentioned in Section I

III. Will Not Hire - If Offense is Less Than 5 Years Old. Will Consider And Carefully Review If Older Than 5 Years.

- Multiple DUI's
- Misdemeanor Drug and/or Paraphernalia
- Possession of Concealed Weapon - Misdemeanor
- Battery/Assault
- Resisting Arrest With Violence
- Domestic Violence

IV. Judgment - Case By Case Review

- DUI - One Incident Only
- Sale of Alcohol to Minor
- Worthless Checks
- Disorderly Conduct
- Multiple Criminal Offenses
- Petty Theft (Theft to Deprive/Retail Theft/Shoplifting)
- Loitering
- Trespassing
- Arrest With Out Violence
- Larceny
- Other criminal offenses



12/10/99

0055



The School Board of Broward County, Florida

Security Background Check

THIS FORM MUST BE TURNED IN WITH YOUR APPLICATION FOR EMPLOYMENT.Name: Sears, Cheryl D. Hutchins SS#: _____

Date of

Birth: 06/23/66Address 4730 N. W. 11th St. Lauderdale Hill Fl 33313Phone #: 797 7968

At the time of employment your fingerprints will be researched by local, state and federal law enforcement agencies. Sealed or expunged records must be revealed to the School Board of Broward County pursuant to F.S. 943.058. Your employment with the Broward County School District is temporary and probationary pending successful processing of your fingerprints. The following questions must be answered truthfully. A "Yes" answer to any of the following questions, does not automatically keep you from being hired. Your omission or falsification of any criminal history, including juvenile incidents, (misdemeanor or felony, see reverse for examples of criminal offenses) information will result in your immediate termination.

- Yes ☐ No ☒ 1. Have you ever been convicted of an offense (misdemeanor or felony) other than a minor traffic violation? (Driving under the Influence [DUI] and Driving while Intoxicated [DWI] convictions are not minor and must be reported.)
- Yes ☐ No ☒ 2. Have you ever been found guilty of a criminal offense?
- Yes ☒ No ☐ 3. Have you ever entered a nolo contendere or no contest plea in a criminal proceeding?
- Yes ☐ No ☒ 4. Have you ever had a criminal record sealed?
- Yes ☐ No ☒ 5. Have you ever had a criminal record expunged?
- Yes ☒ No ☐ 6. Have you ever participated in any type of pre-trial intervention/diversion program or had adjudication withheld in a criminal offense?
- Yes ☐ No ☒ 7. Are there criminal charges currently pending against you?
- Yes ☐ No ☒ 8. Have you ever been imprisoned or jailed in a criminal proceeding?
- Yes ☐ No ☒ 9. Have you ever been placed on probation in a criminal proceeding?
- Yes ☐ No ☒ 10. Have you ever paid a fine in a criminal proceeding?
- Yes ☐ No ☒ 11. Have you ever failed to appear in court or forfeited bond in a criminal proceeding?
- Yes ☐ No ☒ 12. Have you ever had a teaching certificate revoked or suspended? If yes, in what state and when? _____
- Yes ☐ No ☒ 13. Have you ever had sanctions placed on your teaching certificate for any reason?
- Yes ☐ No ☒ 14. Have you ever been denied a teaching certificate anywhere?
- Yes ☐ No ☒ 15. Is disciplinary action currently pending anywhere against your teaching certificate?



you answered "Yes" to any question above, you must explain fully on the reverse side of the form. If you answered "yes" to question(s) 12, 13, 14, or 15, you must give the name of the State where your teaching certificate was revoked, suspended, sanctioned, denied or where action is currently pending against you.

OTE: Pursuant to Florida Statute 943.058 Criminal History Record Expunction or Sealing, persons to be employed a position having direct contact with children must answer questions 4, 5 and 6. The School Board of Broward County will receive information on all records, including juvenile, that have been sealed, expunged, or where adjudication was withheld. To omit a response or to be untruthful in your response, regardless of any previous information received from your attorney or the Court will be considered falsification of your application and will result in your being terminated. If you wish to seek counsel prior to completing this section, you may take s application with you.

(over)

0139

Name: Sears, Charles D. Hutchins
Last First Middle Maiden

INCIDENT #1 (Request 2nd sheet if more than one Incident)

If Arrested, Where?: Broward CNTY. Date of Arrest: 6/95Arresting Agency: City of Ft Lauderdale.Offense: Poss of Cocain

Please provide detailed explanation: I let a male friend of mine borrow my car for the day. And when my friend returned to pick me up I got into the vehicle on the passenger side. At that time proceeded to the mall while on our way to the mall we were stopped by several police officers at that time I offere asked for some identification and then decided to search the car for some unknown reason. After searching the car Cocain was found inside the car which I had no knowledge of. At that time both of use were arrested. And After further investigating the incident. I was ordered to attend a Pre-Trial

Final Disposition: Intervention Program a the case was Dismissed.
Case was Dismissed.

EXAMPLES OF CRIMINAL OFFENSES: Assault/battery, auto theft, disorderly conduct, domestic violence, DUI/DWI, fraud (welfare/food stamps) loitering, prostitution/solicitation, robbery, shoplifting, theft (grand/petty), trespassing, worthless checks. **NOTE:** This is not a complete list and is intended to provide examples only. You must list all convictions including juvenile incidents and those in which adjudication was withheld and/or records were sealed/expunged.

By signing this document I certify that I have carefully read and fully understand each question and that all information contained herein is true and accurate. My signature further certifies that there is no falsification of any information, omission of any information requested or any misrepresentation of information requested. I also understand that my fingerprints will be submitted to the Federal Bureau of Investigation for a complete criminal history background check.

By my signature, I authorize the Broward County School Board to conduct any investigation necessary to verify all information identified on this form. My signature on this document provides for the release of any sealed or expunged records in my name by any court. Included in this grant of authority is my permission to contact any and all former employers and other persons acquainted with me or in possession of information concerning me to supply such information to the Security Clearance Office. All monies received as part of the fingerprinting process are non-refundable.

By my signature, I certify that I know, understand, and agree that any false statement or omission of information requested will result in my immediate termination.

Charles Sears
Signature of Applicant

9/16/98
Date

BROWARD COUNTY BPD		OFFENSE REPORT 95-5-16697		LOCAL ARREST NO.		FILE		FBI		SSN NO.	
DEFENDANT'S LAST NAME STARS				FIRST DAVID		MIDDLE		SUF		ALIAS/STREET NAME USA	
RG B	SEX M	HGT. 5'4"	EYES BL	HAIR BLK	WGT. 130	COMP. OK	AGE 28	D.O.B. 3-1-67		BIRTHPLACE NASSAU, PANAMA	
PERMANENT ADDRESS 1730 NW 11 St. Lauderdale, FL									LOCAL ADDRESS 1730 NW 11 St. Lauderdale		
RESIDENCE TYPE: (1) CITY (2) COUNTY (3) FLORIDA (4) OUT-OF-STATE									PLACE OF EMPLOYMENT Lester Land Service		LENGTH
HOW LONG DEFENDANT IN BROWARD COUNTY		BREATHALYZER BY/CCN		READING		PLACE OF ARREST 5129		DATE/TIME ARRESTED 6-14-95		ARRESTING OFFICER(S) CCN PARR 1216	
OFFICER INJURED Y <input type="checkbox"/> N <input checked="" type="checkbox"/>		UNIT	ZONE	BEAT	SHIFT	UNIT TRANSPORTING PRISONER		TRANSPORTING OFFICER/CCN		PICK-UP TIME TIME ARRIVED AT BSO	DRUG TYPE
TYPE A-N/A A-AMPHETAMINE		B-BARIUM C-COCAINE		H-HALLUOGEN M-MARIJUANA		P-PARAPHERNALIA E-EQUIPMENT		U-UNKNOWN Z-OTHER		ACTIVITY A-N/A B-BUY P-POSSESS	
S-SELL B-BUY T-TRAFFIC		A-ARMS/BLADE D-DELIVER E-USE		M-MANUFACTURE P-PRODUCE C-CULTIVATE		K-KIDNAP Z-OTHER		INDICATION OF ALCOHOL INFLUENCE DRUG INFLUENCE		Y <input type="checkbox"/> N <input type="checkbox"/> OR <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
DEFENDANT'S VEHICLE MAKE, MODEL, TYPE, YEAR, COLOR, VIN NO.											
VEHICLE TOWED TO: AGNO: OTHER IDENTIFIERS OR MARKS:											

NAME OF VICTIM (IF CORPORATION, EXACT LEGAL NAME AND STATE OF INCORP.) VINCENT SMALL		ADDRESS 1909 NW 46 Av. Lauderdale, FL		PHONE #
COUNT NO.	OFFENSES CHARGED	CITATION #, IF APPLICABLE	F.S. # OR CAPIAS/WARRANT #	
1	MURDER		782-04	

I, ROBERT H. PARR, who being first duly sworn, deposes and says that on 29 day of MAY, 1995 at 4701 NW 14 St. Lauderdale, FL (crime location), the above named defendant committed the above offenses charged and the facts showing probable cause to believe same are as follows:

City of Lauderdale Police officers responded to the Shop and Shop store at 16 above location at which the victim was shot and collapsed across the street at a private home. The victim died at Broward General Hospital later that evening.

Witness Wanda Brines observed the defendant arrive at the scene in a white

I swear the above statement is correct and true to the best of my knowledge and belief.
[Signature] OFFICER/AFFIANT'S SIGNATURE
[Signature] OFFICER'S NAME/CCN 1254

STATE OF COUNTY OF

The foregoing instrument was acknowledged before me this 15 day of June, 1995, who is personally known to me or who has produced (ID Type) as identification and who (DID OR DID NOT) take an oath.

DEPUTY CLERK OF THE COURT, NOTARY PUBLIC, OR ASSISTANT STATE ATTORNEY
[Signature]
 TITLE OR RANK/CCN POLICE 206

EXHIBIT
 Plaintiff's
 3
 11-21-00 MO

(SEAL OR STAMP)

0104

DEFENDANT'S LAST NAME	FIRST	MIDDLE	SUF.	HGT.	WGT.	RC	SEX	D.O.B.	OFFENSE REPORT	ARRESTING OFFICER (S)/CCN
Sears, David				5'4"	130	B	M	3/11/67	95-5-1667	RH. Parr #1256
NAME OF VICTIM (IF CORPORATION, EXACT LEGAL NAME AND STATE OF INCORP.)										PHONE #
Vincent Small (Deceased 1909 NW 46 Ave, Lauderdale)										
COUNT NO.	OFFENSES CHARGED							CITATION #, IF APPLICABLE	F.S. # OR CAPIAS/WARRANT	
1	Murder								182.04	

Before me this date personally appeared Robert H. Parr who being first duly sworn, deposes and says that on 29 day of May, 1995 at 4701 NW 14 ST Lauderdale, FL (crime location) above named defendant committed the above offenses charged and the facts showing probable cause to believe same are as follows:

Witness Aisha Eubanks and Jermaine Prince were both seen in an automobile next to the crime scene. Both described the automobile driven by the shooter as white. Prince recalled that the shooter pulled a handgun from his waistband and began beating the victim in the face and head with the gun while the victim pleaded with him to stop. The shooter fired one time striking the victim who was now on the ground. The witness saw the victim walk across the road and finally collapsed on a lawn.

Fort Lauderdale Police stopped the defendant who was driving a white Cadillac with a blue fabric roof. Gold trim ornaments with light window tint. The defendant was arrested for a traffic offense and possession of crack cocaine, at which time your affiant was called and advised. Witness Eubanks and Prince reported that the shooter looked similar to the person who committed the crime.

I swear the above statement is correct and true to the best of my knowledge and belief.

[Signature] OFFICER/AFFIANT'S SIGNATURE RH Parr OFFICER'S NAME/CCN 1256 OFFICER'S DIVISION

STATE OF _____ COUNTY OF _____

The foregoing instrument was acknowledged before me this 15 day of June, 1995 who is personally known to me or who has produced (ID Type) _____ as identification and who _____ take an oath. (DID OR DID NOT)

DEPUTY CLERK OF THE COURT, NOTARY PUBLIC, OR ASSISTANT STATE ATTORNEY

FIRST APPEARANCE/ARREST FORM

SEVENTEENTH JUDICIAL CIRCUIT
BROWARD COUNTY

Police 236
TITLE OR RANK/CCN

(SEAL OR STAMP)

Orig - Court
2nd - State Atty
3rd - Filing Agency
4th - Arresting Agent

COMPLAINT AFFIDAVIT										ARREST FORM	
DEFENDANT'S LAST NAME		FIRST	MIDDLE	SUF.	HGT.	WGT.	RC	SEX	D.O.B.	OFFENSE REPORT	ARRESTING OFFICER (S)/CCN
Seay, David					5'4"	130	B	M	3/11/67	95-5-16697	R.H. Parr #12
NAME OF VICTIM (IF CORPORATION, EXACT LEGAL NAME AND STATE OF INCORP.)										ADDRESS	
Vincent Small										1909 NW 46 Ave, Lauderdale	
COUNT NO.	OFFENSES CHARGED						CITATION #, IF APPLICABLE		F.S. # OR CAPIAS WARRANT #		
1	Murder								182-04		

Before me this date personally appeared Robert A. Parr who being first duly sworn
deposes and says that on 24 day May, 1995 at 4701 NW 14 St Lauderdale (crime location) the
above named defendant committed the above offenses charged and the facts showing probable cause to believe same are as follows:

(Supporting witness Samuel's Positive Identification)
The defendant additionally made a comment to the
transporting Ft Lauderdale Officer asking if we
wishing to question him about a "Robbery or a Killing
No one mention either crime to him.
Broward Associate Medical Examiner Dr. Price advised
that the victim died by a gunshot wound and the
manner of death was ruled to be a Homicide.
Witness Samuel's was shown a photo lineup of the
defendant's vehicle & stated it looked like the
car she observed at the crime scene.
Defendant voluntarily submitted/demandred to a polygraph
examination. Upon conclusion, the results indicated the
defendant was deceptive on key questions surrounding the
shooting. Defendant denied all allegations regarding
the shooting incident.

I swear the above statement is correct and true to the best of my knowledge and belief.

[Signature] OFFICER/AFFIANT'S SIGNATURE RH Parr 1776 OFFICER'S NAME/CCN

STATE OF _____ COUNTY OF _____

The foregoing instrument was acknowledged before me this 15 day of JUNE, 1995, who is personally
known to me or who has produced (ID Type) _____ as identification and who _____ take an oath.

[Signature] DEPUTY CLERK OF THE COURT, NOTARY PUBLIC OR ASSISTANT STATE ATTORNEY Police 26 TITLE OR RANK/CCN

DEFENDANT'S VEHICLE MAKE Ford MODEL Mustang VIN 1F3C79A52914
 DEFENDANT'S VEHICLE COLOR Black
 VEHICLE TOWED TO RPD DEFENDANT'S CURRENT ADDRESS 10000 1st Ave S
 DEFENDANT'S PHONE NUMBER 604-271-1111

Before me this date personally appeared RICHARD L. MARTIN who being first duly sworn
deposes and says that on 4th JUNE 19 95 at 1500 E Sunrise Blvd Ft Lauderdale
above named defendant committed the above offenses charged and the facts showing probable cause to believe same are as follows: BROWARD County

THE UNDERSIGNED OFFICER + OFF. D. PARRICHO INITIALLY OBSERVED THE
ARRESTED VEHICLE IN THE 2300 BLOC OF N.W. 19TH ST. AS IT WA
EASTBOUND. THE VEHICLE FIT THE DESCRIPTION OF A VEHICLE THAT
WAS A SUSPECT VEHICLE IN A HOMICIDE WHICH BSO WAS HAND
LINE. DET. PARRICHO OF BSO HAD GIVEN THESE OFFICERS CONTINUED

I swear the above statement is correct and true to the best of my knowledge and belief.

<u><i>R.G. Martin</i></u>	<u><i>R.P. Martin 514</i></u>	<u><i>PATRUL</i></u>
OFFICER/AFFIANT'S SIGNATURE	OFFICER'S NAME/CCN	OFFICER'S DIVISION

STATE OF _____ COUNTY OF _____

The foregoing instrument was acknowledged before me this 15 day of JUNE, 19 95 who is personally known to me or who has produced (ID Type) _____ as identification and who _____ (DID OR DID NOT) take an oath. (SEAL OR STAMP?)

DEPUTY CLERK OF THE COURT, NOTARY PUBLIC OR ASSISTANT STATE ATTORNEY PLC 26 TITLE OR RANK/COIN 0108

COMPLAINT/ARREST

ARREST FOR

BROWARD COUNTY

ARREST NO.

DEFENDANT'S LAST NAME	FIRST	MIDDLE	SUF.	HGT.	WGT.	RC	SEX	D.O.B.	OFFENSE REPORT	ARRESTING OFFICER (SYMBOL)
SEARS, DAVID				5'4"	135		M	3-11-67	95-95287	R.P. MARTIN
NAME OF VICTIM (IF CORPORATION, EXACT LEGAL NAME AND STATE OF INCORP.)									ADDRESS	PHONE #
										51

COUNT NO.	OFFENSES CHARGED	CITATION #, IF APPLICABLE	F.S. # OR CAPIAS/WARRANT

Before me this date personally appeared RICHARD P. MARTIN who being first duly sworn deposes and says that on 14 day of JUNE, 1995 at 1500 E. SUNRISE BLVD. FT. LAUDERDALE, FLORIDA (crime location) above named defendant committed the above offenses charged and the facts showing probable cause to believe same are as follows: BROWARD COUNTY

A DESCRIPTION OF THE SUSPECT VEHICLE AS WELL AS A COMPOSITION OF THE POSSIBLE CULPRIT, ON MON. 6-13-95. ON THIS DATE OFF. MARTIN ATTEMPTED TO CATCH THE VEHICLE AS IT PROCEEDED EAST ON N.W. 19TH ST. BUT THE VEHICLE TURNED OFF OF NW 19 ST. IN THE AREA OF N.W. 20 AVE. TO N.E. 15 AVE. OFF. MARTIN PUT OUT A DESCRIPTION OF THE VEHICLE, AS WELL AS A BRIEF DESCRIPTION OF THE POSSIBLE SUSPECT + DIRECTED FLPD OFFICERS TO THE AREA OF W. SUNRISE + 15 AVE. A POMPANO P.D. DETECTIVE (DET. LACY A. CREW) THEN OBSERVED THE VEHICLE EASTBOUND ON W. SUNRISE BLVD. NEAR N.W. 9TH AVE. + DIRECTED FLPD MARKED UNITS TO THE AREA. WHEN SUFFICIENT UNITS WERE IN THE AREA A TRAFFIC STOP WAS MADE AT E. SUNRISE + N.E. 15 AVE. (FLPD OFFICERS S. LEDEGANG, CASTRO, PINTO-GONZALEZ, + M. MONIZ). OFFICERS MARTIN + PORIO RESPONDED TO E. SUNRISE + NE 15 AVE. AND CHECKED THE DRIVER FOR A DRIVERS LICENSE, WHICH

CONTINUED

I swear the above statement is correct and true to the best of my knowledge and belief.

R.P. Martin
OFFICER/AFFIANT'S SIGNATURE

R.P. MARTIN 514
OFFICER'S NAME/CCN

Patrol
OFFICER'S DIVISION

STATE OF _____ COUNTY OF _____

The foregoing instrument was acknowledged before me this 15 day of JUNE, 1995, who is personally known to me or who has produced (ID Type) _____ as identification and who _____ (did or did not) take an oath.

(SEAL OR STAMP)

DEPUTY CLERK OF THE COURT, NOTARY PUBLIC, OR ASSISTANT STATE ATTORNEY

Blue 206
TITLE OR RANK/CCNSEVENTEENTH JUDICIAL CIRCUIT
BROWARD COUNTY

FIRST APPEARANCE/ARREST FORM

0109
1st Court
2nd State Atty
3rd Filing Agency
4th Arresting Agent

ARREST NO.		DEFENDANT'S LAST NAME		FIRST	MIDDLE	SUF.	HGT.	WGT.	RC	SEX	D.O.B.	OFFENSE REPORT	ARRESTING OFFICER (SVCCN)
		SEARS, DAVID					5'4"	135	BM	B	11-6-79	95-95287	R.P. MARTIN
NAME OF VICTIM (IF CORPORATION, EXACT LEGAL NAME AND STATE OF INCORP.)												ADDRESS	PHONE #
COUNT NO.	OFFENSES CHARGED										CITATION #, IF APPLICABLE	F.S. # OR CAPIAS/WARRANT #	

Before me this date personally appeared RICHARD P. MARTIN who being first duly sworn deposes and says that on 14 day JUNE, 1995 at 1500 E. SUNRISE BLVD. (time/location) above named defendant committed the above offenses charged and the facts showing probable cause to believe same are as follows: BROWARD COUNTY

THE ARRESTED SEARS HAD, BUT IT HAD A RESTRICTION FOR WORK PURPOSES ONLY, AND THE ARRESTED HAD RELATED TO OFF. MARTIN THAT HE WAS NOT WORKING, RATHER HE + HIS GIRLFRIEND (PASS. IN VEHICLE) CHERYL DENISE HALL WERE GOING SHOPPING.

AT THIS POINT SEARS WAS PLACED UNDER ARREST FOR VIO. OF RESTRICTIONS ON D.C. + A TOW TRUCK WAS CALLED TO THE SCENE. IT SHOULD ALSO BE NOTED THAT SEARS HAD A LARGE AMMOUNT OF CASH IN HIS POSSESSION + HE ALSO HAS A PAST ARREST RECORD FOR NARCOTICS VIOLATIONS. OFF. MONIZ WAS ON THE SCENE WITH HIS DRUG DOG KONAN, WHO WAS THEN UTILIZED TO CONDUCT A SEARCH OF THE VEHICLE. THE DRUG DOG LOCATED 14 GMS OF COCAINE* UNDER THE DASH OF THE VEHICLE. THE DRUG DOG ALSO "HIT" ON THE CASH THAT SEARS + HALL HAD IN THEIR POSSESSION. THE VEHICLE WAS THEN TOWED TO F.C.P.D. CONFISCATION.

I swear the above statement is correct and true to the best of my knowledge and belief.

R.P. Martin
OFFICER/AFFIANT'S SIGNATURE

R.P. MARTIN 511
OFFICER'S NAME/CCN

Patrol
OFFICER'S DIVISION

CONTINUED:

STATE OF _____ COUNTY OF _____

The foregoing instrument was acknowledged before me this 15 day of JUNE, 1995, who is personally known to me or who has produced (ID Type) _____ as identification and who _____ take an oath.

(DID OR DID NOT)

DEPUTY CLERK OF THE COURT, NOTARY PUBLIC, OR ASSISTANT STATE ATTORNEY

TITLE OR RANK/CCN

SEVENTEENTH JUDICIAL CIRCUIT
BROWARD COUNTY

FIRST APPEARANCE/ARREST FORM

0110
(SEAL OR STAMP)

Orig. - Court
2nd - State Atty
3rd - Filing Agency
4th - Arresting Agent

COMPLAINT AFFIDAVIT										ARREST FORM			
DEFENDANT'S LAST NAME FIRST MIDDLE SUF. HGT. WGT. RC SEX D.O.B. OFFENSE REPORT ARRESTING OFFICER(S) CCN										OBTS NO.			
SEARS, DAVID										5'4" 135 B m B-11-67 95-95287 R.P. MARTIN S			
NAME OF VICTIM (IF CORPORATION, EXACT LEGAL NAME AND STATE OF INCORP.)										ADDRESS		PHONE #	
COUNT NO.		OFFENSES CHARGED						CITATION #, IF APPLICABLE		F.S. # OR CAPIAS/WARRANT #			

Before me this date personally appeared RICHARD P. MARTIN who being first duly sworn
deposes and says that on 14 day JUNE, 19 95 at 1500 E. SUNRISE BLVD. FT. LAUD
above named defendant committed the above offenses charged and the facts showing probable cause to believe same are as follows: PROWARD COUNTY

THE NARCOTICS WAS VALTOX TESTED BY OFF. MONIZ + SHOWED
POSITIVE FOR COCAINE. THE NARCOTICS + CASH WAS PLACED
INTO EVIDENCE BY OFF. MONIZ.

DET. PARR + DET. O'NEAL ALSO RESPONDED TO E. SUNRISE +
15 AVE. + REQUESTED THAT BOTH SEARS + HALL BE BROUGHT
TO P.D. SO HEADQUARTERS SO THEY COULD FURTHER THEIR IN-
VESTIGATION OF THEIR HOMICIDE.

AT THIS POINT SEARS HAD BEEN CHARGED WITH VIO. OF RES.
ON HIS D.L. + ALSO POSS. OF COCAINE, AND HALL WAS CHARGED
WITH POSS. OF COCAINE, WHICH OFF. MONIZ WAS INITIA-
TING.

I swear the above statement is correct and true to the best of my knowledge and belief

R.P. Martin
OFFICER/AFFIANT'S SIGNATURE

R.P. MARTIN S11
OFFICER'S NAME/CCN

PATROL
OFFICER'S DIVISION

STATE OF _____ COUNTY OF _____

The foregoing instrument was acknowledged before me this 15 day of JUNE, 19 95, who is personally
known to me or who has produced (ID Type) _____ as identification and who _____ take an oath.

0111

(SEAL OR STAMP)

DEPUTY CLERK OF THE COURT, NOTARY PUBLIC OR ASSISTANT STATE ATTORNEY

Police 206
TITLE OR RANK/CCN

SEVENTEENTH JUDICIAL CIRCUIT
BROWARD COUNTY

FIRST APPEARANCE/ARREST FORM

Orig. - Court
2nd - State Atty
3rd - Filing Agency
4th - Arresting Agent

<input type="checkbox"/> 17th Judicial Circuit in and for Broward County <input type="checkbox"/> In the County Court in and for Broward County		CLOCK IN
DIVISION: <input type="checkbox"/> CRIMINAL <input type="checkbox"/> TRAFFIC <input type="checkbox"/> OTHER	ORDER	
THE STATE OF FLORIDA VS. <u>DAVID SEARS</u>		CASE NUMBER
PLAINTIFF	DEFENDANT	<u>GRAND JURY</u>

CHARGE MURDER IN THE FIRST
DEGREE

THE GRAND JURY HAVING THIS DATE -
-JULY 5, 1995, SPRING TERM GRAND JURY,
RETURNED A NO TRUE BILL AS TO THE
DEFENDANT, IT IS HEREBY ORDERED
THAT THE DEFENDANT SHALL BE
RELEASED FROM CUSTODY AS TO THIS
CASE, ONLY.

DONE AND ORDERED THIS 20 DAY OF JULY, 1995, IN
BROWARD COUNTY, FLORIDA Nunc Pro Tunc, JULY 5, 1995

JUDGE

BRESCHER

COPIES: BSO - SAO

October 6, 1998

Mr. Hal Blitman
Associate Superintendent of District Administration
School Board of Broward County, Florida
600 SE 3rd Avenue
Ft. Lauderdale, Florida 33301

Reference: Additional Information, Appeal
Cherl D. Sears,

Dear Mr. Blitman,

This letter is to inform you of key details that may better clarify the nature of the incident I was involved in and the reason behind my electing to attend the prevention program. I'd like to first thank you for your time in reviewing my motion for appeal. Prior to this incident I have never been involved in any criminal proceedings nor do I condone any criminal activity. After being arrested, I sought legal counsel to represent me. At that time, I was working hard to support both myself and my two children. I was also attending classes on the weekend to complete my education in order to bring me closer to becoming a full-time teacher. My attorney advised me that since I had no prior arrests that if I agreed to the court program, the case would be dismissed and it would spare me the cost of going to trial. He also advised that I not contest the charge because I was the owner of the car. Furthermore, he explained that this would be the best course of action and my record would remain clear. Again, I thank you for your time and patience, and I hope that this matter can be resolved so that I may return to back to work to continue touching the bright young minds of my students as a full-time teacher.

Sincerely,

Cherl D. Sears
Cherl D. Sears



RECEIVED
ASSIST. SUPERINTENDENT'S
OFFICE
98 OCT -7 PM 5:07

The Nation's Largest Fully



Accredited School System

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Gracie M. Diaz
Director
Instructional Staffing Department

Chairperson Lois Wexler
Vice Chairperson Darla L. Carter
Carole L. Andrews
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Paul D. Eichner, Esq.
Stephanie Anna Kraft, Esq.
Miriam M. Oliphant
Dr. Robert D. Parks
Diana Wasserman

Dr. Frank R. Petruzielo
Superintendent of Schools

December 10, 1998

Cheri Sears
4730 NW 11 Street
Lauderhill, FL 33313

Certified

Dear Ms. Sears:

The Security Clearance Committee, which met November 24, 1998, has denied your appeal for employment with the School Board of Broward County, FL.

We regret that this action was necessary.

Sincerely,

Gracie M. Diaz, Director
Instructional Staffing ;

GMD:deh



PERSONNEL DIVISION HANDBOOK



SECURITY CLEARANCE PROCEDURE

- I Purpose: To ensure that a security background check is done on all individuals (see III below). ~~who will be in direct contact with the children of The Broward County School System.~~
- II Check for Sexual Predator, Deadbeat Parent, and State Termination: The Broward Security Clearance Office shall check latest list of sexual predators, deadbeat parents, EPC/PPS records, and the list of persons on the Florida list of terminated employees before giving security clearance.
- III All applicants for employment, all employees of outside vendors, all mentors who come in direct contact with children, all education students prior to their field experience and student teaching, and all employees who become inactive for ninety (90) or more days in TAPS must be fingerprinted and pay a \$50.00 fee.
- IV Procedure:
- A. When individuals in the above categories appear for processing at the Employment Center, they must complete a Security Background Information Form and allow their fingerprints to be taken.
- B. A local check is done through the Broward Sheriff's Department Docketrac computer system. If no record surfaces, the individual is cleared and the fingerprints are then sent to FDLE. If a record is found at the state level, the record is returned to security clearance office for appropriate action. If no state record is disclosed, the fingerprints are forwarded to FBI. If no record is discovered by the FBI, original fingerprint card is returned to Broward and kept on file. If a record is found, the individual's file is given to the appropriate administrator: Director of Non-Instructional Staffing or Director of Instructional Staffing.
- C. Individuals with records: The case is reviewed by the appropriate staffing director: if other than a minor traffic offense, the individual is asked to provide explanation, police records and court documents verifying disposition regardless of whether adjudication was withheld, sealed or expunged.
1. If an individual provides documentation of a criminal incident (identified in #1 Personnel Hiring Guidelines) regardless of whether adjudication was withheld, such individual shall not be employed.

V. Appeals Process:

Applicants who have been denied employment because of criminal incident(s) may appeal the decision of the Security Clearance Committee ~~may be appealed in~~ by writing to the ~~Associate Superintendent for District Administration-Director, Personnel & Benefits.~~ Such written appeal shall be considered only if the applicant provides new information that was not previously available to the Security Clearance Committee.

Document Preparation Date: July 1, 1996

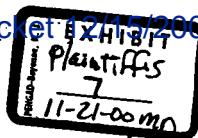
Revision date: ~~November 20, 1998~~ December XX, 1999

Contact Persons: Gracie M. Diaz, Bill Tegman

Appendix: Security Background Check Form, Personnel Hiring Guidelines

Authority: Fl Statute 231-02, 435.04

Board Policy #4002-A, B

**FLORIDA DEPARTMENT OF EDUCATION****FRANK T. BROGAN**

Commissioner of Education

TO: CHERL D SEARS
4730 NW 11 ST
LAUDER HILL, FL 33313

FEBRUARY 24, 1998

IN REPLY PLEASE REFER TO:
SSAN# 267-63-6148

FROM: BUREAU OF TEACHER CERTIFICATION

SUBJECT: STATEMENT OF ELIGIBILITY

THIS IS YOUR STATEMENT OF ACADEMIC ELIGIBILITY FOR MIDDLE GRADES SOCIAL SCIENCE (5-9) VALID UNTIL FEBRUARY 24, 2000.

The State of Florida issues two types of certificates for full-time teaching: a nonrenewable Temporary Certificate valid for two years and a Professional Certificate valid for five years. The attached Form CF-106a, FLORIDA TEACHER CERTIFICATION REQUIREMENTS, outlines the criteria for the issuance of these certificates. The Temporary Certificate is issued to allow time to complete requirements for the Professional Certificate.

Your application for teacher certification has been received and evaluated. Based upon current requirements, you will be eligible for a two-year nonrenewable Temporary Certificate valid for two consecutive school fiscal years covering MIDDLE GRADES SOCIAL SCIENCE (5-9) when:

You complete the following subject area specialization (subject content) requirements:

Three (3) semester hours in western civilization; or, European, Asian, African, Latin American, or Middle Eastern history

Three (3) semester hours in geography

You must complete the requirements specified above and maintain a 2.5 GPA in the subject area. Courses utilized in this evaluation reflect an acceptable GPA.

Note: The specialization requirements listed above must be completed prior to the issuance of the Temporary Certificate and no later than June 30th of the first year of the two-year validity period of the certificate.

You obtain employment with a Florida public, state supported, or nonpublic school which has an approved system for documenting the demonstration of required professional education competence. Your employer must



FLORIDA DEPARTMENT OF EDUCATION

FRANK T. BROGAN

Commissioner of Education

267-63-6148

FEBRUARY 24, 1998

PAGE 2

request issuance of your certificate.

Your employer submits a fingerprint card which has been processed by the Florida Department of Law Enforcement and the Federal Bureau of Investigation. If your fingerprint report reflects an arrest record, your file will be referred to Professional Practices Services for further review. Issuance of your certificate will be contingent upon the results of this review.

Please note that if you do not complete specialization requirements, obtain employment, and issuance of your certificate is not requested by FEBRUARY 24, 2000, your Statement of Eligibility will expire. Another application and fee may be submitted within one year from the expiration date of this Statement of Eligibility to re-establish your eligibility based on these same requirements. However, if this Statement of Eligibility has expired for more than one year when you submit another application, your eligibility for certification will be based on requirements which are in effect at the time the next application is received.

To qualify for a five-year Professional Certificate, requirements must be completed in the following three categories: General Requirements, Professional Education Requirements, and Specific Subject Requirements.

YOU MUST COMPLETE THE FOLLOWING REQUIREMENTS FOR THE ISSUANCE OF YOUR PROFESSIONAL CERTIFICATE:

GENERAL REQUIREMENTS -

Submit official documentation of a passing score on the Professional Education Subtest of the Florida Teacher Certification Examination.

Submit official documentation of a passing score on the College Level Academic Skills Test (CLAST).

Submit from a Florida district superintendent or the chief administrative officer of a Florida state supported or nonpublic school, official verification of demonstration of required professional education competence.



FLORIDA DEPARTMENT OF EDUCATION

FRANK T. BROGAN

Commissioner of Education

267-63-6148

FEBRUARY 24, 1998

PAGE 3

Complete the recency-of-credit requirement either by earning six (6) semester hours of college credit from an accredited institution in an area in which you are seeking certification, or by earning 120 inservice points which are part of an approved Florida District Master Inservice Plan or a combination of college credit and inservice points. Sixty inservice points equate to three (3) semester hours.

Submit Application Form CG-10 and the appropriate fee as indicated on the application form.

PROFESSIONAL EDUCATION REQUIREMENTS -

20 semester hours in education courses which must include:

6 semester hours covering the sociological and psychological foundations of education

6 semester hours in general methods, curriculum, school administration, or school supervision

a course in special methods of teaching the subject in which you are seeking certification as indicated in the SPECIFIC SUBJECT REQUIREMENTS outlined below.

The practical teaching experience requirement as explained in the enclosed attachment.

SPECIFIC SUBJECT REQUIREMENTS FOR MIDDLE GRADES SOCIAL SCIENCE (5-9)

Complete the subject area specialization (content courses) specified for issuance of the two-year nonrenewable Temporary Certificate.

Submit official documentation of a passing score on the MIDDLE GRADES SOCIAL SCIENCE (5-9) subject area test

Complete the special methods requirement as follows:

2 semester hours in special methods of teaching social science in the middle grades

**FLORIDA DEPARTMENT OF EDUCATION****FRANK T. BROGAN**

Commissioner of Education

267-63-6148

FEBRUARY 24, 1998

PAGE 4

NOTE: The college credit earned to complete the special methods requirement will also be applicable toward the total hours specified in PROFESSIONAL EDUCATION REQUIREMENTS listed above.

PLEASE NOTE: BASED ON CURRENT STATUTES, YOU MAY RECEIVE ONLY ONE TEMPORARY CERTIFICATE, VALID FOR TWO YEARS, PRIOR TO ISSUANCE OF THE PROFESSIONAL CERTIFICATE. IF YOU HAVE REQUESTED CERTIFICATION IN MORE THAN ONE SUBJECT, IT IS NOT NECESSARY FOR YOU TO COMPLETE REQUIREMENTS SPECIFIED FOR ALL SUBJECTS PRIOR TO ISSUANCE OF YOUR PROFESSIONAL CERTIFICATE. HOWEVER, IT IS ESSENTIAL THAT YOU COMPLETE REQUIREMENTS SPECIFIED IN YOUR STATEMENT OF ELIGIBILITY FOR GENERAL REQUIREMENTS, PROFESSIONAL EDUCATION REQUIREMENTS, AND SPECIFIC SUBJECT REQUIREMENTS FOR THE PROFESSIONAL CERTIFICATE IN AT LEAST ONE SUBJECT TO INSURE YOUR ELIGIBILITY FOR ANOTHER CERTIFICATE FOR THE SCHOOL YEAR IMMEDIATELY FOLLOWING THE EXPIRATION OF YOUR TEMPORARY CERTIFICATE.

The Bureau of Teacher Certification will be pleased to answer any questions that you may have after you have carefully reviewed your Statement of Eligibility. You may direct written correspondence to: The Bureau of Teacher Certification, Florida Department of Education, 325 West Gaines Street, Tallahassee, FL, 32399-0400. If you live in Florida, you may call the Bureau of Teacher Certification at 1-800-445-6739. (You CANNOT reach the Bureau by substituting the area code "850" for the "800" toll-free extension). If you live outside the State, you may reach the Bureau at 850-488-2317.

ENCLOSURE(S)
PTER

STAFF: JCT